

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
\_\_\_\_\_ DIVISION**

_____ ,	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No.</b> _____
	)	
	)	
_____ ,	)	
<b>Defendant.</b>	)	

**MEMO ON PRETRIAL CONFERENCE**

**I. Pretrial Conference setting**

Pursuant to Fed. R. Civ. P. 16, an initial pretrial conference will be held in the above-captioned matter on \_\_\_\_\_.

**II. Counsel**

The following counsel will appear at the pretrial conference and will try the case:

A. For Plaintiff:

Name, address, phone number, email address, and fax number

B, For Defendant:

Name, Address, Phone number and Fax number

**III. Statement of the Case**

The parties agree upon the following background statement for presentation to the jury pool at voir dire:

[If the parties cannot agree on the entirety of the statement, they should present as much of the statement as is mutually satisfactory, and then present competing versions of the remainder of the

statement, as necessary.]

#### IV. Stipulation of Facts

The parties agree that the following facts are true and undisputed:

A.

B.

C.

**Note:** The parties should set out in full all material facts about which there is no dispute. Special consideration should be given to such things, where relevant, as life and work expectancy, medical and hospital bills, funeral expenses, cause of death, lost wages, back pay, the economic value of fringe benefits, and property damage. Parties should stipulate any undisputed fact even if the legal relevance of the stipulated fact is questioned by one or more parties. In such instances, the stipulated fact should be followed by an identification of the objection party and the objection, *i.e.*, “Plaintiff objects to relevance.”

#### V. Exhibits

The parties submit the following lists of exhibits and objections.<sup>1</sup>

Plaintiff(s) Exhibits	Objections	Category A, B, C	Offered	Admitted (A), or Not Admitted (NA)
1. [describe exhibit]				
2. [describe exhibit]				

<sup>1</sup> The Categories of Objections are defined as follows:

- A: The parties agree that these exhibits shall be considered to be already in evidence at the trial without further offer, proof, or objection. Specifically, the parties agree that both plaintiff’s and defendant’s exhibits listed in this column are in evidence at the commencement of the trial and available for use by any party at any stage of the trial.
- B: The parties want to introduce into evidence these exhibits as to which all foundation, identification, and authenticity objections are waived, but to which an opposing party otherwise objects on the grounds noted. It is further agreed that any exhibit listed in this column may be used by any other party provided that party establishes that the exhibit is otherwise admissible.
- C: The parties want to introduce into evidence these exhibits to which an opposing party objects on the grounds noted. It is further agreed that any exhibit listed in this column may be used by any other party provided that the party establishes the exhibit is otherwise admissible.

<b>3. [describe exhibit]</b>				
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<b>Defendant(s) Exhibits</b>	<b>Objections</b>	<b>Category A, B, C</b>	<b>Offered</b>	<b>Admitted (A), or Not Admitted (NA)</b>
<b>1. [describe exhibit]</b>				
<b>2. [describe exhibit]</b>				
<b>2. [describe exhibit]</b>				

**Note:** Except by leave of Court and for good cause shown, no exhibit will be received in evidence which is not listed in the Memo on Pretrial Conference. Any objection not indicated in the Memo on Pretrial Conference will be deemed waived unless this memo is modified prior to trial and to prevent manifest injustice. All exhibits shall be made available to opposing counsel for inspection sufficiently prior to the Pretrial Conference to permit objections to be noted in the memo. Failure to provide exhibits for inspection shall constitute a valid ground for objection at trial and should be noted in the memo.

**Note:** In addition to providing the exhibit list in this Memo on Pretrial Conference, the parties must provide a clean copy of the Exhibit Index to the Courtroom Deputy the morning of trial. If the parties are unable to reproduce an exhibit list in conformity with the proposed exhibit list set forth above, they may seek permission from the Court to use an alternative exhibit list or they may obtain an exhibit list in the form set forth in this memo from the Clerk's Office.

## **VI. Witnesses**

A. Plaintiff's witnesses (list witnesses and addresses, and indicate which witnesses are testifying by deposition):

- 1.
- 2.

B. Defendant's witnesses (list witnesses and addresses, and indicate which witnesses are testifying by deposition):

- 1.
- 2.

**Note:** A party listing a witness guarantees the witness's presence at trial unless the Court and opposing counsel are notified to the contrary at least seven (7) days prior to trial. All parties are free to call any witness listed by the opposing party, whether that party has listed them or not. If a witness is not listed by a party in the Memo on Pretrial Conference, that witness will not be permitted to testify absent leave of Court, and leave will be granted only for the purpose of unanticipated rebuttal or unanticipated impeachment.

## **VII. Factual Issues**

### **A. Plaintiff's factual issues:**

- 1.
- 2.

### **B. Defendant's factual issues:**

- 1.
- 2.

## **VIII. Legal Issues**

### **A. Plaintiff's legal issues:**

- 1.
- 2.

### **B. Defendant's legal issues:**

- 1.
- 2.

**Note:** Each party should set forth all theories of recovery or defense, including specifications of fault that will be raised at trial. The elements of each theory of recovery and the elements of damages sought must be included. The parties should also set forth any legal questions that are likely to arise at trial, including such things as: any legal dispute as to the elements of the plaintiff's cause or whether recovery is barred as a matter of law by a particular defense; whether, as a matter of law, a particular defense would apply; any legal dispute as to the measure, elements, or recovery of damage claimed by plaintiff; whether the Statute of Frauds or the Parole Evidence Rule will be raised; etc.

## **IX. Unusual Evidentiary Questions**

### **A. Plaintiff's unusual evidentiary questions:**

- 1.
- 2.

### **B. Defendant's unusual evidentiary questions:**

- 1.
- 2.

**Note:** Identification of unusual evidentiary questions should also include citations to relevant legal authorities.

[SIGNATURE BLOCK FOR PLAINTIFF'S ATTORNEYS]

[SIGNATURE BLOCK FOR DEFENDANT'S ATTORNEYS]